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Cf. Foreigners/

File No. Regis/50

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Subject:—

Opinions under the Registration of Foreigners Act 1939

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Office of the R.I.A.

Registration of Foreigners Rules, 1939, rule 10(1).

Sub-rule (1) of rule 10 of the Registration of Foreigners Rules, 1939, requires that a foreigner who proposes to be absent from his registered address for one week or more should make a report to the Registration Officer of the district in which his registered address is situated furnishing particulars of his itinerary. Sub-rule (2) empowers the Registration Officer, in special circumstances, to issue to a foreigner, a travel permit valid for one or more journeys to be made within a specified period and between specified places or within a specified area; and thereupon the said foreigner shall be deemed to have made the report prescribed in sub-rule (1) in respect of any journey for which the said permit is expressed to be valid. The permit in this case (p.53 ante) has apparently been issued by the District Superintendent of Police, North Satara, under rule 10(2) though he has made reference therein to Government of India letter dated the 8th July which does not appear to be apt. The short question is whether under sub-rule 10(2) a Registration Officer can issue a permit to a foreigner authorizing him to make journeys only to or from places situate within the areas for which he has been appointed.

2. The provision in sub-rule (2) of rule 10 that when a travel permit has been issued it would not be necessary to make a report as required by sub-rule (1) would show that the two provisions are co-related. Attention is invited to the proviso to sub-rule (1) which provides that if after making the report the foreigner makes any change in his itinerary, he should xxxxxx report such change to the Registration Officer to whom the report was made and also to the Registration Officer having jurisdiction over any place which he may visit if such place was not included in the itinerary furnished with the report. It would be seen from this that the report under sub-rule (1) may refer to places outside the jurisdiction of the Registration Officer of the district in which a foreigner is registered. Probably that Officer would then be communicating the itinerary to the Officers having jurisdiction over the various places. Since the report under sub-rule (1) may extend to places beyond the district of registration and since such a report can be replaced by a permit under sub-rule (2), there does not appear any objection to the Registration Officer issuing apermit authorising a foreigner to visit places beyond his jurisdiction. As long as the permit confirms to the requirement of the rules and specifies the journeys, the period and the areas, within which they can be made, the validity of its issue cannot be questioned on the ground that the places and areas mentioned are situated

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outside the area for which the Registration Officer has been appointed. The view expressed by the Commissioner of Police in this respect is not correct. In this connection it may be observed that the Registration Officer acting under the Rules is an Officer working on behalf of the Union Government and not the State Government.

Sd/- P.M.Lad.

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o.c.

Remembrancer of Legal Affairs.

U.O.to P.& S.D.,No. 652-Confl, dated the 29th August 1950.

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